

NOTICE OF PROPOSED RULEMAKING

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

PREAMBLE

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| <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
| R7-2-806 | New Section |
- 2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 15-747

Implementing statute: A.R.S. § 15-747(B)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Christy Farley Executive Director, State Board of Education
Address:	1535 West Jefferson, Room 418 Phoenix, AZ 85007
Telephone:	(602) 542-5057
Fax:	(602) 542-3046
E-mail:	cfarley@ade.az.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The State Board of Education is seeking to add a new section to the Board rules, R7-2-806, governing public viewing of the nationally standardized norm-referenced test adopted by the State Board of Education pursuant to A.R.S. §15-741. These proposed rules establish the process for making a request, viewing the test and prohibited acts.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

Not applicable
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

The proposed rules will not diminish any previous grant of authority of a political subdivision of this state.
- 8. The preliminary summary of the economic, small business, and consumer impact:**

Neither the State Board of Education, the Department of Education, nor any school districts or other political subdivisions will be subject to additional costs by these rules. There will be no effect on small business or on state revenues, and there is not a less-intrusive method for accomplishing the goals achieved by these rules.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name:	Christy Farley Executive Director, State Board of Education
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10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding on the proposed rulemaking is scheduled as follows:

Date: March 11, 2005

Time: 10:00 a.m.

Location: State Board of Education
1535 W. Jefferson, Room 417
Phoenix, Arizona 85007

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

R7-2-806 nationally standardized norm-referenced test; public viewing

- A. Individuals shall be allowed to view the nationally norm-referenced standardized test or portion of test, required to be adopted by A.R.S. §15-741.
- B. An individual wishing to view the nationally norm-referenced standardized test or portion of test adopted by the State Board of Education shall comply with the following procedures and requirements:
 - 1. Submit a written request to the Department of Education on a form developed by the Department of Education; and
 - 2. Shall verify by signature, upon penalty of perjury, that the person is not a pupil required to take the nationally norm-referenced standardized test; and
 - 3. Shall verify the individual's identity upon arrival to view the test through a state-issued picture identification, including but not limited to, a drivers license or state identification card, and
 - 4. Shall sign a statement of nondisclosure prior to viewing the assessment(s); and
 - 5. Will not use the information gained from the viewing to change the outcome of any individual's test.
- C. Upon receiving a request from an individual under subsection B of this rule, the Department of Education Accountability Division shall provide a location for the individual to review the requested assessments within a reasonable amount of time but no later than twenty business days after receiving the request.

- D. An individual is prohibited from taking any materials or electronic devices that could be used to duplicate or reproduce any portion of the nationally norm-referenced standardized test and shall comply with all copyright protections afforded by federal law. Exceptions will only be made for a specific purpose and with express permission by the Arizona Department of Education in consultation with the Accountability Division.
- E. Any individual viewing the assessments will be monitored by Arizona Department of Education staff, electronically, or a combination of both.
- F. The viewing of the assessment(s) shall be limited to sixty minutes. An individual may submit a request for an additional viewing session(s), however, the Arizona Department of Education reserves the right to limit repeated requests.